

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:

*The County of Cuyahoga v. Purdue
Pharma L.P., et al.,*
Case No. 17-op-45004

and

*The County of Summit, Ohio, et al. v.
Purdue Pharma L.P., et al.,*
Case No. 18-op-45090.

MDL No. 2804

Case No. 1:17-md-2804

Hon. Dan Aaron Polster

**DECLARATION OF STEPHAN A. CORNELL
IN SUPPORT OF NON-RICO SMALL DISTRIBUTORS' MOTION
FOR SUMMARY JUDGMENT BASED ON THEIR *DE MINIMIS* STATUS**

Pursuant to 28 U.S.C. § 1746, I, Stephan A. Cornell, declare as follows:

1. I am a partner at the law firm of Fox Rothschild LLP and counsel for Defendant Prescription Supply Inc. in the above-captioned cases.
2. I submit this declaration for the purpose of transmitting true and correct copies of exhibits to the reply in support of the motion for summary judgment of Non-RICO Defendants Anda, Inc., H. D. Smith, LLC, H. D. Smith Holdings, LLC, H. D. Smith Holding Company, Henry Schein, Inc., Henry Schein Medical Systems, Inc., and Prescription Supply Inc. (collectively, the "Small Distributors") based on their *de minimis* status.
3. Attached as **Exhibit 1** is an exhibit submitted pursuant to Federal Rule of Evidence 1006 relating to Henry Schein, Inc. and derived from the output file (HSI.xlsx) produced by Plaintiffs' data analyst, Dr. Craig McCann.

4. Attached as **Exhibit 2** is an exhibit submitted pursuant to Federal Rule of Evidence 1006 derived from Henry Schein, Inc.'s previously produced and voluminous transaction data (HSI Opioid Sales 1.1.06 to 12.31.18.xlsx and 2019.05.19 – HSI Total Transactions to Summit county 2006-2018.xlsx).

5. Attached as **Exhibit 3** is a true and correct copy of the supplemental report of Robert Maness, expert witness for the Henry Schein entities, dated June 6, 2019.

6. Attached as **Exhibit 4** is a true and correct copy of the Government's Sentencing Memorandum in the case of *United States of America v. Adolph Harper*, no. 5:14-CR-096 (N.D. Ohio).

7. Attached as **Exhibit 5** is a true and correct copy of the Ohio Medical Board License Lookup for Dr. Brian Heim.

8. Attached as **Exhibit 6** is a true and correct copy of documents produced by Henry Schein, Inc. in this action Bates-stamped HSI-MDL-0001198–HSI-MDL-0001210.

9. Attached as **Exhibit 7** is a true and correct copy of the Information in the case of *United States of America v. Brian Heim*, no. 5:14-CR-412 (N.D. Ohio).

10. Attached as **Exhibit 8** is an exhibit submitted pursuant to Federal Rule of Evidence 1006 relating to Anda, Inc. and derived from the Supplemental 3 Data Files produced by Plaintiffs' data analyst, Dr. Craig McCann.

11. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

[signature on next page]

Executed this 16th day of August 2019.

/s/ Stephan A. Cornell
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